

In The Matter Of:
State of West Virginia v.
Dale Bernard Beard, Jr.

Preliminary Hearing
October 27, 2021

WV Depos
2413 East Pike Street, Suite 119
Clarksburg, West Virginia 26301

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1 the vehicle, cash, scales, weapons, packaging materials.

2 I forgot to ask, but I'm assuming a phone was seized.

3 But either way, Your Honor, we'd simply state
4 that at this point the standard of probable cause has
5 not been met.

6 JUDGE THOMPSON: Okay. Thank you,
7 Mr. Henderson.

8 At this time, I am going -- excuse me. At
9 this time, I am going to rule that -- and I'm basing my
10 decision on the low bar of probable cause.

11 I believe in this area we have excellent
12 officers who -- probably most of them can tell and look
13 whether something is a -- is a probable prohibited
14 substance because we have a lot of it here.

15 And until it comes back tested from the lab
16 that it is not, I think they have probable cause to
17 believe that it is and the quantity suggests intent to
18 deliver, so I'm going to rule there is probable cause
19 and send this up to circuit court.

20 If something comes back from -- as you said,
21 you should've asked when it was sent. If you find out
22 that it does not meet the limits, I'm sure you can get
23 it dismissed in circuit court.

24 MR. HENDERSON: Yes, sir.

1 JUDGE THOMPSON: Okay. Anything else?

2 MS. HARDING: I think the Defendant is
3 now called upon to determine whether he wants the
4 misdemeanors to go with the felony or whether he would
5 prefer them returning to magistrate court.

6 JUDGE THOMPSON: Mr. Henderson?

7 MR. HENDERSON: Well, Your Honor, I
8 was -- I'm sorry. Didn't consult with my client ahead
9 of time. If I could just have ten seconds just to --

10 JUDGE THOMPSON: Yeah. Go ahead.

11 MR. HENDERSON: Your Honor, we'll just
12 send the misdemeanors up, as well.

13 JUDGE THOMPSON: Okay. Thank you. We
14 will be sending then 21-M-02-F4683 along with it, which
15 has the obstructing and possession.

16 MR. HENDERSON: Yes. Thank you.

17 MS. HARDING: Thank you.

18 JUDGE THOMPSON: Thank you both.

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20 (Recording ended)

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